



Agent's Docket No: ONX-108/CIP

## In the United States Patent and Trademark Office

# 13 IDS  
DRAWING  
12-17-02

Application No.: 09/812,066  
Filed: March 17, 2001  
Title: Three Dimensional Optical Switches and Beam Steering Modules  
Applicant: Behrang Behin et al.  
Examiner: Rickey L. Mack  
Art Unit: 2873

Express Mail Label No.: EU63372078US

Mailed

RECEIVED  
DEC 12/2002  
MAIL ROOM

### Information Disclosure Statement

Commissioner of Patents and Trademarks  
Washington, District of Columbia 20231

Dear Sir or Madam:

Attached is a completed Form PTO-1449 and copies of the pertinent parts of the references cited thereon. It is requested that the document(s) on the enclosed form be made of record. As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information. It is requested that the document(s) on the enclosed form be made of record.

#### Part I (Authority)

This statement is filed pursuant to:

☒ 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; (3) before the mailing date of a first office action on the merits; or (4) before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

☐ 37 C.F.R. § 1.97(c).

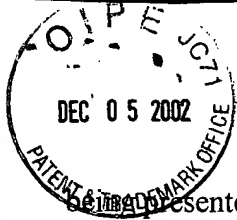
This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$180), or a certification according to 37 C.F.R. § 1.97(e).

☐ 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c).

Accordingly, this information disclosure statement requires the petition fee specified in 37 C.F.R. § 1.17(p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$180) and a certification according to 37 C.F.R. § 1.97(e).



## Conditional Petition

It is respectfully requested that this information disclosure statement be considered, good cause presented in Part III herein (certification). Please treat this paper as the required petition.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record.

To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

### Part II (Payment)

A check is enclosed as indicated:

- ☒ No fee is due.
- ☐ The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$180).
- ☐ The petition fee specified in 37 C.F.R. § 1.17(p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$180).

### Part III (Certification)

Pursuant to 37 C.F.R. § 1.97(e), I certify:

- ☒ No certification is necessary.
- ☐ (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.
- ☐ (2) The "communication from a foreign patent office" referred to in the certification is an International Search Report, possibly issued by the U.S. Patent and Trademark Office in its capacity as an International Search Authority or International Preliminary Examining Authority.
- ☐ (3) The "counterpart foreign application" referred to in the certification corresponds to an ancestor or descendent application of the application for which this information disclosure statement is filed.
- ☐ (4) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

### Part IV (Additional Statement)

An additional statement regarding these items of information ( ) is, ( ) is not, enclosed.

Copies of the cited art ( ) are enclosed, ( ) are of record in parent application Serial No. \_\_\_\_\_ and will be provided if the Examiner deems it convenient.

Dated: 12 / 4 / 2002

Respectfully submitted,

*Joshua D. Isenberg*

Joshua D. Isenberg  
Reg. No. 41,088  
204 Castro Lane  
Fremont, CA 94539  
tel: (510) 896-8328  
fax: (510) 360-9656



12-09-02

2873

<b>TRANSMITTAL FORM</b>  (for all correspondence after initial filing)	Agent's Docket No.	ONX-108/CIP	Total Pages
	Application Number <b>09/812,066</b>		
	Filing Date <b>03/17/2001</b>		
	First Named Inventor <b>BEHRANG BEHIN ET AL.</b>		
	Group Art Unit <b>2873</b>		
	Examiner <b>RICKY L. MACK</b>		

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)	<input type="checkbox"/> Response to Notice of Missing Parts
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Declaration by Inventors
<input type="checkbox"/> Response/Amendment	<input type="checkbox"/> Assignment papers
<input type="checkbox"/> After Final Rejection	<input type="checkbox"/> Power of Attorney by Assignee
<input type="checkbox"/> After Allowance communication to Group	<input checked="" type="checkbox"/> IDS/PTO-1449
<input type="checkbox"/> with Formal Drawing(s) Total Sheets: [ ]	<input checked="" type="checkbox"/> with copies of cited references
<input type="checkbox"/> with Affidavits/Declarations	<input type="checkbox"/> New Power of Attorney and Revocation of Old
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Other:

SIGNATURE OF AGENT	
NAME	JOSHUA D. ISENBERG, REG. NO. 41,088
Signature	<i>Joshua D. Isenberg</i>
Date	12/4/2002

Certificate of Mailing by "EXPRESS MAIL"	
I hereby certify that I am mailing this correspondence on the date indicated below to the ASSISTANT COMMISSIONER FOR PATENTS, United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202 using the "Express Mail Post Office to Addressee" service of the United States Postal Service under '37 CFR 1.10.	
SIGNATURE	DATE OF MAILING
<i>Bin Li</i>	12/5/2002
NAME OF PERSON SIGNING	EXPRESS MAIL LABEL NO: EU 633720718 US

RECEIVED  
DEC 11 2002  
TC 2800 MAIL ROOM